

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MITSUI SUMITO INS. CO.,

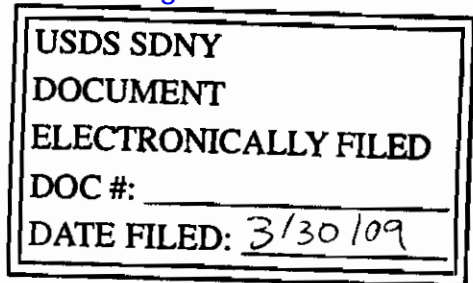
Plaintiff,

-against-

ROADWAY EXPRESS, INC.

Defendant.
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P. KEVIN CASTEL, U.S.D.J.



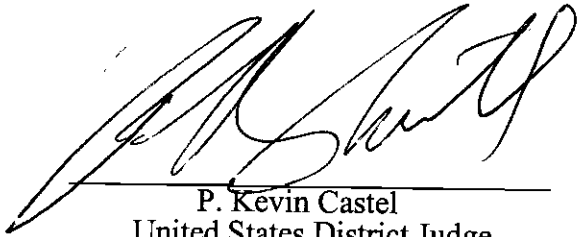
08 Civ. 5700(PKC)

ORDER

This is a subrogation action in which plaintiff seeks \$82,789.30; the claim arises under a bill of lading. The action was commenced on June 25, 2008. At a case management conference on August 28, 2008, I set December 19, 2008 as the date for the completion of fact discovery. At the parties' request, I extended the date for the completion of fact discovery to February 27, 2009 in an order which I marked as the "Final Revised Civil Case Management Plan and Scheduling Order." In what I now believe was an error on my part, I relented and granted a further extension of fact and expert discovery to March 27, 2009. I now have before me a request dated March 27 seeking an extension of fact discovery for sixty days as well as an extension of the date for the Final Pretrial Conference. In support of the request, the parties have announced to me that a deposition has actually occurred. Were that the only reason stated, I would deny the application outright. Plaintiff's counsel refers to his "reckoning with the effects of a significant injury" to his spouse. In view of the foregoing—and subject to reconsideration if further information about the injury is supplied, I will extend the date for completion of fact and expert discovery to April 17, 2009. In all other respects, the application is denied.

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SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
March 30, 2009